

HS 34

Dear George Marinelli,

1/13/11

This is David Abrahams, #241224, at MacDougall C.I.

Per our conversation on 1/11/11, here is a letter to the Judiciary Committee regarding my claim for the public hearing that your office or D.O.C. will not be able to transport me to. Please submit it to the Committee.

Thanks for all your help.

Sincerely,

  
David Abrahams, #241224

Dear Judiciary Committee,

This is David Abrahams, #241224, at MacDougal C.I. My claim # is 22053. Since I will not be able to testify regarding my claim because the Dept. of Corrections ~~and~~ and your office cannot transport me, my testimony will be in writing per my conversation with George Marinelli. I wrote the office of the Claims Commissioner in December 2010 requesting a copias be issued so that I could appear & testify at the public hearing but I was told that this function is not provided.

I'm requesting that the Judiciary Committee review the Claims Commissioner's decision to dismiss my claim & either modify or vacate such decision ~~and~~ because it was based on erroneous facts.

The Commissioner states in his memorandum of decision that the respondent correctly stated that the limitation period commenced in April of 2006, when the claimant learned of the payment by his child's mother. (pg. 2) This is incorrect for two reasons.

First, on pg. 3<sup>1/4</sup> of the respondent's position letter dated January 25, 2010, the respondent states that my claims are based & known to me in the 1990s & 2007. Of course nothing could be done in the 1990s because restitution wasn't completed until 2003 by my child's mother. The position letter further states "the alleged damages were known to the claimant at those times but no claim was presented or filed w/ the Claims Commissioner. Therefore, pursuant to Gen. Stat §4-148(a), the claimant's claim is untimely & should be dismissed." If the date of 2007 is to be believed that the respondent ~~will~~

lists, then the claim is timely. because the claim was filed on November 6, 2009.

Second, I was truthful when I disclosed that I discovered in April 2006 that restitution was made by my child's mother for the monies owed to the State.

Child Support Enforcement & Social Services would not confirm or deny this information only to say the issue of fraud was resolved. This shouldn't be interpreted as the date (April 2006) the damage was sustained or discovered.

What occurred afterward was an amicable attempt on my part to retrieve monies improperly taken from me. What took place <sup>after</sup> was both agencies giving me "the run-around" passing the responsibility off on the other in regards to my reimbursement & concerns. Then in a letter dated Nov. 13, 2006, Social Services stated its intention & position that it was not going to reimburse me, that I still owed monies, and that they would not respond to any more of my inquiries. It was evident that some kind of formal paperwork was necessary to correct the wrong that I was a victim of.

It was evident at this time that the injury was sustained or discovered. The running of the statutory period for filing a claim, as defined in §4-148 began at the time Social Services sent its letter on Nov. 13, 2006 stating its position.

Furthermore C.G.S. §4-148(b) states: "The General Assembly may, by special act, authorize a person to present a claim to the Claims Commissioner after the time limitations set forth in subsection (a) of this section have expired if it deems such authorization is supported by compelling equitable circumstances

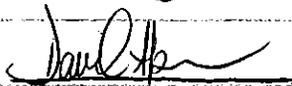
and would serve a public purpose. I maintain that my situation satisfies this requirement even if my claim is untimely which it is not.

The State should not be allowed to ~~withhold~~ keep my inherent property improperly taken from me just because it is a large state agency utilizing a very thin loop hole against an incarcerated individual. I've been diligently trying to resolve this matter for years but have endured a lack of cooperation due to my incarceration.

My failure to act, as the respondent states in its position letter, many years ago resulted from my belief that I would be promptly reimbursed monies from one Colleen Michelson who conducted the fraud investigation & started the process for the state to recoup its monies. Even though I've been treated unfairly over the years throughout this process, I was still willing to compromise but didn't have a willing participant.

I am respectfully requesting that the General Assembly vacate ~~or modify~~ the Commissioner's ~~claim~~ decision to dismiss my claim <sup>and</sup> give me permission to sue the State for \$4,674.80.

Sincerely,



DAVID ABRAHAMS, #241224

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